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*Member, Joint Committee on Finance
Chair, Committee on Children and Families*

**Testimony Before the
Assembly Committee on Children and Families
September 30, 2009
Assembly Bill 428**

I would like to thank Committee members for hearing my testimony today on Assembly Bill 428. I would also like to thank all of you for recognizing the importance of this bill and agreeing to introduce it as a Committee bill.

The Child Welfare Disclosure Act was created in response to previous highly-publicized child welfare cases that were inaccurately reported in the media. Department of Children and Family (DCF) officials were unable to respond to this misinformation due to state prohibitions on disclosing certain information relating to children in out of home care.

This bill changes current law to allow DCF to disclose certain information when child abuse or neglect results in death, serious injury, or when a child in an out-of-home placement commits suicide or is sexually abused by a caregiver.

The main provisions of the bill include:

- Requirement for DCF to report detailed information about any severe case within 48 hours of incident.
- 90 day reporting obligation for DCF that mandates a full summary of any severe case, as well as details of any recommended policy changes resulting from each reported instance.
- Expansion of disclosure requirement. Under current law, disclosure is only permitted in death or near death cases. This bill makes other malicious or egregious instances of abuse subject to disclosure.
- Protects children's best interests by accounting for local circumstances and allowing DCF to withhold information that may be potentially harmful to a child or a child's family.
- Creates a court-based mechanism to enable public appeal of a "best interest determination."
- Strengthens the role of the Milwaukee Child Welfare Partnership Council by providing greater access to information related to major child welfare issues in Milwaukee County.

By transforming our state's ability to disclose important information related to child welfare, we are taking a giant step forward in the effort to meet the needs of Wisconsin's children. The Child Welfare Disclosure Act will make children safer, government more accountable, and, as a result, families stronger. The lives of our children are too precious to not take action on this legislation.

I thank the committee for your time and consideration of this matter. I am happy to answer any questions Committee members may have.

**STATEMENT OF BRIAN BLANCHARD, DANE COUNTY
DISTRICT ATTORNEY, REGARDING AB 428**

My name is Brian Blanchard. I am Dane County District Attorney. I am here with some staff of our office who care deeply about how the state and individual counties could improve our systems' responses to reports of child abuse or neglect.

I speak briefly today in support of AB 428.

We have seen, in recent years, significant systemic improvements for children in the justice system with the use of multi-disciplinary teams, recorded child interviews, and the development of Child Advocacy centers throughout Wisconsin.

Responsible care givers, social workers, teachers, medical professionals, police, prosecutors and others work hard every day across Wisconsin to try to prevent and deter child abuse.

But we also continue to see gaps in effective interventions for children who are victims of chronic neglect and abuse.

I believe that the proposed law is overdue and would be a big step forward for child protection statewide. There needs to be statewide focus on these cases. We owe it to children.

One reason the child protection system has suffered from gaps is that there is not now a systematic, statewide look at what is happening in this area. It would give professionals in this field, primarily the hardworking social workers at the county level, better information to help members of this body and other policy makers to identify truly needed federal, state, and county funding and targeted improvements to protect more children effectively.

This legislation would result in the collection of empirical data to better enable policy makers and professionals to make needed changes in the system, which I believe could include the current one-way "mandatory reporting" statute that requires law enforcement and others to report potential child abuse and neglect to human services, but not the other way around.

There is no question but that when law enforcement and child protection workers share their information from the earliest reasonable time we are better able as a system to identify children who are being neglected and abused in drug endangered and other abusive and neglectful environments.

I think collection of this data would give us information needed to inform a huge need: Extending the outstanding multi-disciplinary work that is now done in child sexual assault cases to child victims of neglect and abuse.

I understand that there are some concerns by some who work in this field about confidentiality and workload issues. I respect their concerns as sincere. They may well have specific suggestions for amendments that would make the bill more workable.

At the same time, however, I believe that the bill as a general matter adequately addresses confidentiality in the context of these very serious cases. I also believe that the case management systems currently in use by social service agencies should allow them to fairly quickly print out the basic data that is required to be reported under the bill.

Thank you very much for considering these observations, and I would happy to answer any questions.

Disclosure Bill:

Representative Grigsby and members thank you for the opportunity to testify today on AB428.

DCF feels that this legislation is well on its way to assuring that the public receives the information necessary to know how the government is working to protect children across the state. I would like to thank Rep. Grigsby and Senator Jauch for working with the Department on this legislation, taking the time to learn the current process for disclosure, and working together to develop language that best achieves the goals of the legislation.

AB428 will allow the department to release vital information on cases where abuse or neglect results in death or serious injury within two days of the department receiving a report of the incident from a local agency. The bill will not only allow but require DCF to provide the public with important information about the department's response to these incidents in a timely manner.

This bill also widens the scope of what is reported to the public. DCF will now have the ability to release information on egregious incidents of abuse or neglect in addition to child deaths. This information will be available to citizen review panels, the Milwaukee Partnership Council and the public upon request.

The bill also allows the department to respond to false reporting in the media. In the Christopher Thomas case the department's hands were tied in releasing information, and thus we lacked the ability to correct information, published in the Milwaukee Journal Sentinel that we knew was inaccurate. This bill remedies this problem and allows the public to know the truth in these types of cases.

The public's need to know must be balanced with the best interest of the child, the child's siblings and family. This bill does an excellent job of prohibiting disclosure when it would be detrimental to the child or child's family. I have heard too often about cases where siblings return to school and are teased by other children because their father or mother hurt their brother or sister. In the case of Christopher Thomas, the media tried to find his sister in the hospital and get into her room. No one benefits from that type of disclosure.

The bill also prohibits disclosure of information that would jeopardize any ongoing or future criminal investigation, prosecution or a defendant's right to a fair trial. Similarly, the information released cannot jeopardize any ongoing or future civil investigation.

Finally, the bill requires DCF to release quarterly data reports on sexual abuse by caregivers in out-of-home placements. DCF is currently required to release this information yearly. We currently keep track of the data on the number and type of incidents, including the number of substantiations, but we do not receive formal data regarding case details on pregnancies, injury or disease. This detailed information is documented by the individual case manager in case notes. As the bill is written DCF

would be required to provide data on these case details. This data will be difficult if not impossible to quantify. DCF will have to create a new database which will be of significant cost to the Department, and also require counties to do pregnancy and paternity tests on foster children, and formally report information regarding disease and sexual assault related injuries. Often, this type of information will be part of a confidential health services record. In the case of pregnancy, this information might remain unknown until the child is born, or would remain unknown if the child is never born. For these reasons, DCF suggests removing the line regarding the reporting on pregnancies, injuries and diseases and as a result lower the fiscal impact of the bill.

In summary, the department supports this bill as it will create statutory language necessary both for compliance with federal law and for the department to finally have the authority it needs to fully inform the public. We do feel that our recommended amendment would improve the efficacy of the bill so that the department's energies can be focused on releasing much needed information in a timely manner for both the benefit of the public, and the benefit of the department. Thank you again for allowing me to testify today, and thank you again for your collaboration and hard work.



Senator Jauch
Testimony on Assembly Bill 428
Child Welfare Disclosure
September 30, 2009

Representative Grigsby, members of the Assembly Children and Families Committee, thank you for introducing this important bill and making transparency a key priority in our efforts to keep children safe and partner with communities to reach that goal.

There is nothing more important than the safety and well-being of our children. They are the future of our country and we must do everything in our power to allow them to grow up safe and in loving homes.

Last November we were all shocked to by the horrific abuse and subsequent death of Christopher Thomas in Milwaukee, a foster care child who was supposedly being protected by our child protective services. Compounding the tragic loss of life was the frustration shared by the public by the lack of information that could be shared by the Department as the outdated statutes prevented the release of valuable information to the public.

The inability to gain information about the death upset the public as much as the incident itself. The public had a legitimate right to know what circumstances led to the tragedy and had a greater expectation that government would openly but carefully reveal institutional failures that may have contributed to the tragedy. A grieving public needed to understand why this tragedy occurred. A grieving public needed to know exactly what steps were being taken to hold individuals accountable. A grieving public deserved to know what was being done to prevent another tragedy.

This Child Welfare Disclosure Act will require greater transparency, assure government accountability and help protect children. This bill is an institutional response to a tragic event and represents a concerted Legislative effort to improve the public confidence in our child protective services, and I applaud members in both Standing Committees for introducing the measure. The bill is a product of extensive conversations with citizens, advocacy representatives and State and local officials. It is a product of the listening session held in February in Milwaukee as well as the Joint Informational Hearing on Children and Families conducted earlier this year in the Capitol.

Representative Grigsby and I are appreciative for the cooperation and dedicated effort of Secretary Bicha and his staff to develop this legislation as well as assertively implement measures to better monitor the health and well being of children in the system. The

measures adopted by the Department are meaningful ways to improve the care for these children and ensure that children do not slip through the cracks.

- Requiring that all children 3 years old and under in out of home care are examined by a nurse
- Requiring medical evaluations of all 4 and 5 yr olds in Kinship or Foster Care
- Recruited and hired a new Director of BMCW with extensive child welfare experience
- Provided a new contract to St. Amelians for the child welfare cases previously handled by La Causa to ensure that these children would have uninterrupted services and improvements in care.

These measures were implemented to provide ongoing monitoring of the physical needs of our vulnerable children and prevent unnecessary suffering. You'll see in the Journal Sentinel article I have circulated to you an example of how effective their ongoing efforts are to continually seek improvements for the safety of children in out of home care.

This legislation is not only a necessary step toward ongoing efforts to improve the child welfare system Milwaukee, but throughout the state as well. The sad reality is that children are at risk and we must step up our efforts to maximize protective services.

As a result of this Legislation the public will have a greater understanding to know what is happening with respect to child welfare and can be involved in the steps being taken to prevent further incidents. The public has a right to insist that there be greater disclosure of abusive incidents that threaten the well-being of our children.

Transparency is a necessary step toward trust and with trust comes a system that works in tandem with the community to improve the lives of all children. While this bill does not seek to solve all problems within our child welfare system, it makes significant progress toward open processes that can make a difference.

Today we are here to make certain that out of a tragic situation comes real and lasting change and that our laws reflect the critical partnership between community and government to keep children safe and secure. Out of a senseless death will come improvements that can make a difference for us all.